FOR MYSORE STATE

Agriculture (1955) Department

Ms. SERIES.

Passed
on
Srpdl

G.O. No. 2823

Dated 5.12.55.

(16)

Despatch Abstract.

Forest – South Kanara District – Puttur Taluk – Addition No. I to Navankumale Reserved Forest Notification – Reissued. Ordered

P. 32( )—70,10,55L—25 & 56.

Forest Department | Received Registered

From (Name) S. K. Bassu, I.F. S. | To

Designation Chief Conservator of Forests, | The Secretary to Government, Agriculture Department, Madras-9.

Station Madras-5.

75166

Enclosures: Ref. No. 17094/55 G, dated 5-8-55 195

Sir,

Sub: Reservation - South Kanara - Puttur Taluk Addition No.1 to Nerankimale Reserved Forest - Notification - re-issue of

Ref: Government Memo. No.18399 CIV/54 -2 Agri. dated 17-5-55.

The section 16 notification approved in the Government Memo cited, was published as notification No.328 G dated 17-5-54 at page 740 of Part I of the Fort St. George Gazette dated 9-6-54. The date of effect as specified in the notification was 1-6-1954.

2. With reference to the instructions contained in the penultimate para of section 16 of the Madras Forest Act. the Forest Settlement Officer has to publish the notification in the manner prescribed for the Proclamation under section 6 of the Madras Forest Act, before the date of effect fixed by the section 16 notification. In this case the date of effect was 1-6-54 but the notification was issued in the Gazette dated 9-6-54. As the notification was published in the Gazette after the expiry of the date of effect, the Forest Settlement Officer had no time to take action as required by the penultimate para of the section 16 notification.

3. According to the last sub para of para 4 of the Forest Settlement Standing Orders, the Forest Settlement Officer become functus officio after 1-6-54.

4. In these circumstances, I enclose a copy of Ref. No.G.9861/52 dated 10-3-55 from the Revenue Divisional Officer Puttur to the District Forest Officer, South Kanara with the endorsements of the Collector South Kanara and the Conservator of Forests, Ootacamund Circle for perusal As the Forest Settlement if now completed the local officers either the District Forest Officer or the Revenue Divisional Officer Puttur, may be directed to take action as required by the penultimate para of section 16 of the Madras Forest Act.

for Chief Conservator of Forests.

Encl: 4.

R.10-8.

Copy of Ref. G. No.9861/52 dated 10-3-55 of the Revenue Divisional Officer, Puttur to the District Forest Officer, South Kanara.

Sub: Forests - Reservation South Kanara District- Belthagady Taluk - Addition No.1 to Nerankimale R.F. notification under section 16 - Publication of fresh notification.

Ref: Your Ref. D.1870/52 dated 7-2-1953.
This Office Ref.C.No.9861 /52 G dated 17-1-1955
Your LDis. 920/55 D dated 29-1-1955.

In your reference first cited, you have requested that action may be taken with reference to the penultimate paragraph of Section 16 of the Madras Forest Act after the publication of the notification in the Fort St. George Gazette. The penultimate paragraph of Section 16 requires that the Forest Settlement Officer shall publish the notification in the manner prescribed for the publication of the proclamation under section 6 after it is published in the Fort St. George Gazette and before the date fixed for the declaration of the forest as Reserved forest in the notification. Under section 6 the notification has to be published in the District Gazette and at the Head Quarters of the Taluk in which any portion of the land included in the notification is situated and in every village in the neighbourhood of such land. The notification in this case, was , however published on 17-5-54 fixing 1-6-1954 as the date with effect from which the land shall constitute as Reserve Forest. You will appreciate that the intervening time was hardly sufficient to conform to the requirements of the penultimate paragraph of Section 16. Moreover, the above notification was communicated to me with your letter R.C. No.5908/53 D dated 15-7-1954 about a month subsequent to the date fixed for the declaration of the forest as Reserved Forest. Hence the required formalities could not be gone through.

2. In your letter third cited, you have informed me that no amendments to Section 16 of the Madras Forest Act have been received. It has therefore to be presumed that the formalities prescribed under Section 16 have to be observed. A fresh notification under Section 16. in triplicate for a reissue in the Fort St. George Gazette is therefore enclosed. I ~~sh~~ request you to take immediate action to publish the notification in the Fort St. George Gazette urgently and send me a copy of the notification so published for taking necessary further action. A minimm period of two months may be required after the publication of the notification in the Fort. St. George Gazette for its publication in the District Gazette and at the places required under Section 6. The date from which the land shall constitute as reserve forest has therefore to be fixed in the declaration at least two months subseqent to the date of its publication. The probabale date of publication in the Fort St. George Gazette may also be intimated to me in advance, so that arrangements for its publication in the District Gazette etc may be made sufficiently early.

/true copy/

Copy of letter No.D.Dis.14564/55 dated 30-5-55 from the Collector of South Kanara, Mangalore to the Chief Conservator of Forests, Madras through the Conservator, Ootacamund Circle.

Sub: Forests - Reservation - South Kanara District - Puttur Taluk - Golithathu Village - Nerakimale Reserved Forest - Section 16 Notification forwarded.

Ref: From the District Forest Officer, S.F. No.3765/ 55. D dated 16-5-55.

I enclose the report of the District Forest Officer, South Kanara cited, together with the copies of the R.D.O.'s report referred to by him in duplicate. The draft notification under Section 16 of the Madras Forest Act submitted by the Revenue Divisional Officer, Puttur is also enclosed in triplicate.

2. The notification was once approved in Government Memo No.18389/C-IV/54-2 dated 17-5-55, but the prescribed formalities could not be gone through before the date fixed for the declaration of the area as reserved Forest. The District Forest Officer's recommendation in paragraph 2 of his letter may be accepted.

-true copy/

Copy of Ref. No.11000/55-D dated 12-6-55 from the Conservator Ootacamund Circle.

Submitted.

2. As requested by the Revenue Divisional Officer (The Forest Settlement Officer) Puttur a freash notification maybe caused to be published in the Fort St. George Gazette and the probable date of publication in the Gazette may be intimated to the Revenue Divisional Officer in advance.

/true copy/

17/8/55

for Chief Conservator of Forests-

R.12-8.

Pl. issue
23.9.55.

P I 4.

Para 3 on P I 4

x xxx put up

xxx put up

CENTRAL DESPATCH BRANCH

To Despatched by Hand / Post. Messenger.

Date The C. C. F., Madras. Despatcher's Initials.

R. 9. 12.10.55.

AGRI. C.IV. SEC

Memo No. 75166 C.IV/55 - 2 dt. 23.9

Sub: Forests--South Kanara District--Puttur Taluk--Addition No.1, Narankimale R.F. Notification--Re-issue of.

Ref: From the C.C.F. ref.No.17094/55G dt.5-8-55.

- - -

In his reference cited the C.C.F has stated that according to the last sub-para of para 4 of the Forest Settlement Standing Orders, the Forest Settlement Officer has become functus officio after 1-6-54. It is not clear whether a Forest Settlement Officer has to be appointed afresh to follow the procedure laid down in section 5-16 of the Madras Forest Act, 1882, or whether it is enough if a revised notification is published fixing a suitable date from which the area referred to will be deemed to be a reserved forest. The C.C.F. is requested to clarify the position in the matter. He is also requested to submit a revised notification for being published in the Fort St. George Gazettee.

23.9.55.

23.9.55

23.9.-

AGRI.C.IV.SEC

Pl. issue
23.9.55.

P I Q.

Para 3 on P I Q

x xxx put up.

xxx put up

Memo No.75166 C.IV/55-2 dt. 23.9.xx

Sub: Forests--South Kanara District Puttur Taluk--Addition No.1, Narankimale R.F. Notification-Re-issue of.

Ref: From the C.C.F. ref.No.17094/55G dt.5-8-55.

- - -

In his reference cited the C.C.F. has stated that according to the last sub-para of para 4 of the Forest Settlement Standing Orders, the Forest Settlement Officer has become functus officio after 1-6-54. It is not clear whether a Forest Settlement Officer has to be appointed afresh to follow the procedure laid down in section 5-16 of the Madras Forest Act, 1882, or whether it is enough if a revised notification is published fixing a suitable date from which the area referred to will be deemed to be a reserved forest. The C.C.F. is requested to clarify the position in the matter. He is also requested to submit a revised notification for being published in the Fort St. George Gazettee.

23.9.55.

23.9.55

23.9.-

CENTRAL DESPATCH BRANCH

To

Despatched by Reg / Post. Messenger.

Date THE C. C. F., Madras. Despatcher's Initials.

R.9. 12.10.55.

AGRI.C.IV.SEC

Pl. issue
23.9.55.

P I Cy.

Para 3 on P I Cy

x xxx put up

xxx put up

Memo No.75166 C.I V/55 - 2 dt. 23.9

Sub: Forests--South Kanara District Puttur Taluk--Addition No.1, Narankimale R.F. Notification-- Re-issue of.

Ref: From the C.C.F. ref.No.17094/55G dt.5-8-55.

- - -

In his reference cited the C.C.F. has stated that according to the last sub-para of para 4 of the Forest Settlement Standing Orders, the Forest Settlement Officer has become functus officio after 1-6-54. It is not clear whether a Forest Settlement Officer has to be appointed afresh to follow the procedure laid down in section 5-16 of the Madras Forest Act, 1882, or whether it is enough if a revised notification is published fixing a suitable date from which the area referred to will be deemed to be a reserved forest. The C.C.F. is requested to clarify the position in the matter. He is also requested to submit a revised notification for being published in the Fort St. George Gazettee.

23.9

CENTRAL DESPATCH BRANCH

To

Despatched by Regd. Post. Messenger.

Date The C.C.F., Madras. Despatcher's Initials.

23.9.55.

23.9.55

R. 9. 12.10.55.

AGRI.C.IV.SEC

Pl. issue
23.9.55.

P I Cy.

Para 3 on P I Cy.

x xxx put up.

xxx put up.

Memo No.75166 C.I/55-2 dt. 23.9.

Sub: Forests--South Kanara District Puttur Taluk--Addition No.1, Narankimale R.F. Notification-Re-issue of.

Ref: From the C.C.F. ref.No.17094/55G dt.5-8-55.

- - -

In his reference cited the C.C.F. has stated that according to the last sub-para of para 4 of the Forest Settlement Standing Orders, the Forest Settlement Officer has become functus officio after 1-6-54. It is not clear whether a Forest Settlement Officer has to be appointed afresh to follow the procedure laid down in sections 5-16 of the Madras Forest Act, 1882, or whether it is enough if a revised notification is published fixing a suitable date from which the area referred to will be deemed to be a reserved forest. The C.C.F. is requested to clarify the position in the matter. He is also requested to submit a revised notification for being published in the Fort St. George Gazettee.

23.9.55.

23.9.55

23.9.-

CENTRAL DESPATCH BRANCH

To

Despatched by Post.
Messenger.

Date 23.9.55 Despatcher's Initials.

The C.C.F., Madras.

R.9.12.10.55.

F.82( )—70,18,388 -55 5-84

FOREST Department

From (Name)
Sri S.K. Bassu, I.F.S.,
Designation
Chief Conservator of Forests,
Station
Madras-5.

Received ——— Registered ———

To
The Secretary to Government,
Agriculture Department,
Madras.

Enclosures: No. Ref17094/55G, dated 6-10-55. 195

Sir,

Sub: Forests--South Kanara--Puttur Taluk--Addn.I to Nerankimale Reserved Forest--Notification--re-issue of.

Ref: Government memo No.75166 CIV/55-2 Agriculture dated 23-9-55.

The section 16 notification was first issued as notification No.842 dated 27-8-53 published at page 1308 of Part I of the Fort St. George Gazette dated 9-9-53. It was re-issued as notification No.328 dated 17-5-54 published at page 740 of the Fort St. George Gazette dated 9-6-54-vide Government memo no.18399 CIV/54-2 dated 17-5-54.

2. Therefore the issue of a third notification in supersession of the two previous notifications, does not appear to be incorrect.

3. Accordingly, I submit a draft notification for approval and publication in the Fort St. George Gazette.

4. The date of effect in the preamble has been left blank as it is to be filled in by Government. The date of effect should allow the Forest Settlement Officer sufficient time at least 1½ to two months after the date of issue of the Fort St. George Gazette in which the notification may appear to enable him to take action as required by the penultimate para of section 16 of the Madras Forest Act.

5. I request that 6 copies of the printed notification may be supplied to me after publication.

for CHIEF CONSERVATOR OF FORESTS.

cmv 8.x

Encl: 1 draft notification in duplicate.

NOTIFICATION.

--:--

In exercise of the powers conferred by section 16 of the Madras Forest Act (Madras Act V of 1882) and in supersession of the late Development Department notification No.842 dated 27-8-53 published at page 1308 of Part I of the Fort St. George Gazette dated 9-9-53 and Agriculture Department notification No.328 dated 17-5-54 published at page 740 of Part I of the Fort St. George Gazette dated 9-6-54, the Governor of Madras hereby declares that the area, the boundaries of which are set forth in the schedule below, shall be constituted a reserved forest with effect from

SCHEDULE.

District : South Kanara
Taluk : Puttur
Village : Golithattu
Name of Block : Nerankimale addition I.
Extent : 75 acres comprising survey Nos.120/1 to 4 and and 6 and portions of survey Nos.120/5,16 and 132 of Golithattu village.

Boundaries.

North: Starting from Cairn No.52 on the South boundary of Nerankimale Reserved Forest (constituted as Reserved Forest in Revenue Department Notification No.577 dated 18th December 1899 published at pages 1925 and 1926 of Part I of the Fort St. George Gazette, dated 23rd December 1899 and as amended in Development Department Notification No.93, dated 26th January 1949 published at page 125 of Part I of the Fort St. George Gazette dated 8th February 1949) the boundary of the block runs east and south east along the notified south boundary of the said Nerankimale Reserved Forest to its Cairn No.50.

EAST : Thence a straight line with a bearing of 206° for a distance of 532 links to the junction of S.Nos.14, 15, 132 and 120 of Golithattu village. Thence a straight line with a bearing of 223° for a distance of 104 links to Cairn No.55 on the South boundary of the said Nerankimale Reserved Forest.

SOUTH AND WEST : Thence generally south west, west, and north along the notified south boundary of the said Nerankimale Reserved Forest to its Cairn No.52 the starting point.

Admitted rights -- Nil.

7/3

for CHIEF CONSERVATOR OF FORESTS.

cmv 8.x

Agri CC IV)

Memo. No. 75166 C IV / 55-6 dt. 16.X.57

Pl. View
of
16.X.57.

Sub Forests - South Kanara Dt -
Puttur TK - Addition I to
Nerankimale R.F. - Notification
Revising of.

P.T.C.f.

Ref from the C.C.F. ref. No. 17094/
55 G. dt. 6.10.55.

The Chief Conservator's
reply to Government Memo No.

P.S.C.f.

75166 C IV / 55.2 dt. 23.9.55 submitted
in this reference cited is
incomplete. He is requested to
state specifically whether a Forest
Settlement Officer has to be
appointed afresh or not, to follow.

P.T.

the procedure laid down in Sections 5-16 of the Forest Act in view of what has been stated in para 3 of this ref. no. 17094/55 G dt 5.8.55.

P I 61

To the C.C.F. Madras

R/O. 4.11.55

Dear Sir,

20/X/55

O.F. 33( )— 70,10,54.—R. & S.

Forests Department

From (Name) Sri S.K. Bassu, I.F.S.,

Designation Chief Conservator of Forests.

Station Madras-5.

Received ____ Registered ____

To

The Secretary to Government,
Agriculture Department,
Madras-9.

UNDER SECRETARY TO GOVERNMENT
AGRICULTURE DEPARTMENT
1 NOV 1955

100206

Ref.No.17094/55.G., dated 10-11-55.

Enclosures: No. ____, dated ____ 195

Sir,

Sub: Forests - South Kanara - Puttur Taluk - Addn. I to Narankimala Reserved Forest - Notification - Re-issue of

Ref: Government Memo No.75166.C.IV/55-4, Ag., dated 14-10-55.

...

As the only work to be attended to, is to publish the notification in the local gazette, and as this can be attended to eigher by the District Forest Officer or the Revenue Divisional Officer, as already suggested in the last sentence of para 4 of Chief Conservator's ref.No.17094/55.G, dated 5-8-55, there seems to be no need to appoint the Forest Settlement Officer, afresh.

15/11/55

for Chief Conservator of Forests.

Mks.1411

AGRI.C.IV.DEPT.

Sub: Forests--South Kanara District Puttur Taluk--Addition No.I to Naran~~g~~imale Reserved ~~F~~Forest--Notification-Re~~-~~issue--ordered.

Read again:- Memo No.18399 C.IV/54-2, dt.17-5-55.

Read also:- From the C.C.F. ref.No. 17094/55-G, dt.6-10-55.

G.O.Ms.No. 2823 dt. 5/12/55

The ~~draft~~ appended notification submitted by the C.C.F., is approved and forwarded to the C.S.P. Madras, for publication in the Fort St. George Gazette and in the District Gazette concerned in Tamil.

2. The Senior Translator to Govt., Madras is requested to furnish tamil translation of the notification to the C.S.P. for publication in the Gazette.

3. The C.S.P. is requested to send 6 copies of the notification ~~a~~ to the C.C.F. Madras and 4 copies to Government.

17.11.

18/11

CENTRAL DESPATCH BRANCH

Date

Initial.

Collector's Initials.

To

The C.S.P. Madras.
The C.C.F. Madras.
The Senior Translation to Govt., Madras.
Copy to the Board of Revenue, Madras.
Copy to the Collector of South Kanara District.
Copy to S. F.
~~(with 6 copies of notification.)~~

Appendix

Vide p 3 below

Appendix

17 cH6

NOTIFICATION.

--:--

In exercise of the powers conferred by section 16 of the Madras Forest Act, (Madras Act V of 1882), and in supersession of the late Development Department notification No.842, ~~dated 27-6-53~~, published at page 1308 of Part I of the Fort St. George Gazette dated ~~9-9-53~~ and Agriculture Department notification No.328 ~~dated 17-6-54~~ published at page 740 of Part I of the Fort St. George Gazette dated ~~9-6-54~~, the Governor of Madras hereby declares that the area, the boundaries of which are set forth in the Schedule below, shall be constituted a reserved forest with effect on and from the 15th February, 1958.

SCHEDULE.

District : South Kanara
Taluk : Puttur
Village : Golithattu
Name of Block : Nerankimale addition I.
Extent : 75 acres comprising survey Nos.120/1 to 4 and and 6 and portions of survey Nos.120/5,16 and 132 of Golithattu village.

Boundaries—

North:— Starting from Cairn No.52 on the South boundary of Nerankimale Reserved Forest (constituted as Reserved Forest in Revenue Department Notification No.577 dated 18th December 1899, published at pages 1925 and 1926 of Part I of the Fort St. George Gazette, date 23rd December 1899 and as amended in Development Department Notification No.93, dated 26th January 1949, published at page 125 of Part I of the Fort St. George Gazette, dated 8th February 1949), the boundary of the block runs east and south east along the notified south boundary of the said Nerankimale Reserved Forest to its Cairn No.50.

EAST : Thence a straight line with a bearing of 206° for a distance of 532 links to the junction of S.Nos.14, 16, 132 and 120 of Golithattu village. Thence a straight line with a bearing of 223° for a distance of 104 links to Cairn No.55 on the South boundary of the said Nerankimale Reserved Forest.

SOUTH AND WEST : Thence generally south west, west, and north along the notified south boundary of the said Nerankimale Reserved Forest to its Cairn No.52, the starting point.

Admitted rights . -- Nil.

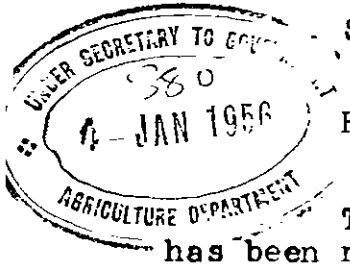
for CHIEF CONSERVATOR OF FORESTS.

cmv 8.x

From
H.J. Stooks, I.A.S.,
Controller of Stationery and Printing,
MADRAS-I.

To
The Secretary to Government,
Agriculture Department,
Fort St. George, Madras.

Pr. No. 129551/I.L. dated 30-12-1955.



Sub:- Forests - South Kanara District - Puttur Taluk - Addition No. I to Narakimale Reserved Forest - Notification Reissue - Publication of.

Ref:- G.O. Ms. No. 2823, Agri. dated 5-12-1955.

Tamil translation of the notification appended to the G.O. cited has been received from the Tamil Translator to Government, Madras. As the language of the South Kanara District is Kanarese, this office may please be informed the District Gazette in which the Tamil notification has to be published.

for Controller.

c.g.r.30.12.

Pl. issue
ef
5.1.56

P 15 4 (B)

P 1 4

Memo. no. 880 CIV/56-1 dt. 5.1.56

Sub Forests - South Kanara District - Puttur TK - Addition I to Neerankimale R.F. - Notification Re-issue - Publication.

Ref G.O.Ms.No. 2823 Agri dt 5.12.55 from the C.S.P. Madras Lr. Pr. No 129551/I.L dt 30.12.55.

In partial modification of the orders issued in para 1 of the G.O. cited, the C.S.P is requested to publish the notification (appended to the G.O. cited) in the District Gazette Concerned in Kanarese.

2. The Senior Translator to Govt. is requested to furnish a

P.T.O

22

Kannarese translation of the notification to the C.S.P. for publication in the District Gazette.

4.7.56.

4.1.56

4.1.56

20.

The C.S.P. Madras

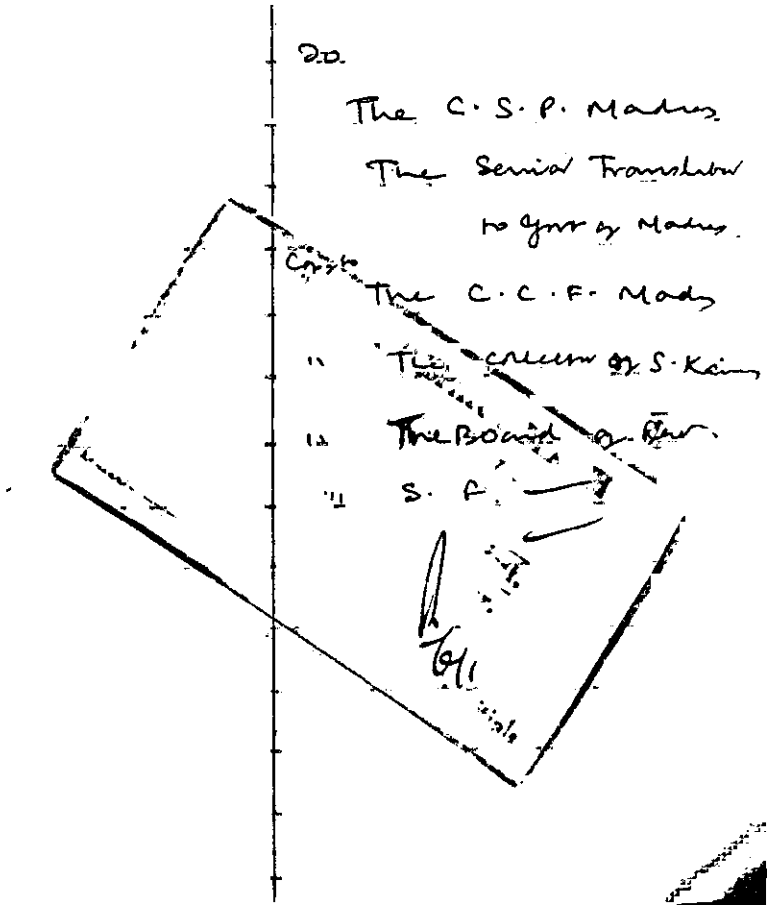
The Secretary to Govt. of Madras.

The C.C.F. Madras

" The Collector of S. Kanara

" The Board of Revenue.

" S. P.



2 mo. 75166 C.IV/53
~~2 mo. 18399 C.IV/54-2~~

AGRI.(C.IV).

Sub: Forests--South Kanara District--Puttur Taluk--Addition No.1--Narankimale Reserved Forest--Notification--Reissue.

Ref: From the C.C.F. Ref.No.17-94/55G, dt.5-8-55

In Government Memo.No.18399C.IV/54-2, dt.17-5-54 the Govt. ordered the ~~published~~ publication of a notification in the Fort St. George Gazette, declaring Narankimale Addition I in Puttur Taluk, South Kanara District as Reserve Forest, with effect on and from 1-6-54. In a letter addressed to the D.F.O. S.Kanara, the R.D.O. Puttur has stated that the penultimate paragraph of Section 16 of the Madras Forest Act 1882 requires that the Forest Settlement Officer shall publish the notification in the manner prescribed for the publication of the proclamation under section 6 of the Act, after ~~is~~ it is published in the Fort St. George Gazette, and before the date fixed for the declaration of the forest as Reserved forest in the notification. Under Section 6 of the Act, the notification has to be published in the District Gazette and at the headquarters of the taluk in which any portion of the land included in the notification is situated, and in every village in the neighbourhood of such land. The R.D.O. has stated, as the notification in this case was ~~published~~ issued on 17-5-54 fixing 1-6-54, as the date from which the land shall constitute a reserved forest, the intervening time was hardly sufficient to ~~confirm~~ conform to the requirements of the penultimate paragraph of ~~Sect~~ Section 16. He has also stated that the above notification was communicated to him about a month subsequent to the date fixed for the declaration of the forest as Reserved, and hence the required ~~formalities~~ formalities could not be gone through. He has therefore requested the D.F.O. to take immediate action to publish a fresh notification in the F.S.G.G., and to send him a copy of the notification ~~for~~ for its publication in the ~~District~~ Dist.

Gazette and at the places required under Section 6 of the Act. He has also requested the D.F.O. to let him know the probable date ~~of this~~ of its publication in the F.S.G.G., so that arrangements may be made for its publication in the District Gazette etc., ~~may be made~~ sufficiently early.

Para

2. The C.C.F. has stated that Section 16 notification approved in Govt.Memo.No.183990.IV/54/54-2 Agri. dt. ~~1-7-55~~ 17.5.54 was published as notification No.328 ~~Genl~~. dt.17-5-54 at p.740 of Part I of the F.S.G.G. at 9-6-54. The date of effect of the notification as specified was 1-6-54. With reference to the instructions contained in the penultimate para of Section 16 of the Madras Forest Act the Forest Settlement Officer has to publish the notification in the manner prescribed for the proclamation under section 6 of the Madras Forest Act, the date specified for the notification under Section 16 to take effect. In this case, the date of effect was 1-6-54 but the notification was ~~only~~ published only in the Gazette dt.9-6-54. The Forest settlement Officer had no time to take action as required by the penultimate para of the Section 16 notification. He has stated that according to the last sub-para of para 4 of the Forest Settlement, Standing Orders, the Forest Settlement Officer has become functus-officio after 1-6-54. The C.C.F. has stated that if the Forest settlement is now ~~ordd~~ completed, the local officers either the D.F.O. or the R.D.O. Puttur may be directed to take action as required ~~to~~ by the penultimate para of section 16 of the Madras Forest Act.

* Para 1A. P 1 of

P 7 of (G)

P 7 of (G)

Para 2 on P 1 of

Para 3 on P 1 of.

Para 4 on P 1 of

3. The C.C.F. has not furnished the draft of the fresh notification to be published in the Fort St. George Gazette. The C.C.F. may be asked to send the draft. Law may see for advice.

ASSISTANT SECRETARY 31 AUG 1955 11946 LAW DEPARTMENT MADRAS

28.8.55. 26.8.55

27.8.

Law.

Agri wo.75166 CIV/55.

30.8.55.

CX

Law Department

The omission to publish the notification as provided in the penultimate paragraph of section 16 affects the notification so as to make the succeeding sections inoperative - please see the decision in Pratap Rao Bahadur v. Narayana Gajapati Raju (1932 M.W.N.922) in which it has been held that if the executive wishes to extinguish private rights by statutory power, it must strictly observe the provisions of the statute and that section 16 read with section 17 (especially the word "thereupon" in section 17) will mean that unless the requirements of section 16 have been complied with, section 17 cannot take effect. In the circumstances, action may be taken as suggested by the Chief Conservator of Forests.

P.S.
11.5.55
Agri

13/9/55

11946/55-1
14/9/55

AGRI.C.IV.

O.N.

The notes from p.1 ante may be perused. Law Department has stated that the omission to publish the notification as provided in the penultimate paragraph of section 16 of the Act affects the notification, so as to make succeeding sections inoperative. It is therefore obvious that a fresh notification has to be published.

In this connection the C.C.E. has stated that according to the last sub-para of para 4 of the Forest Settlement Standing Orders, the Forest Settlement Officer has become functus officio

Agri.

UNDER SECRETARY TO GOVERNMENT
15 SEP 1955
AGRICULTURE DEPARTMENT

82794

Vide note above

Printed at P40 5 in Forest Manual Vol I

P.T.O

~~officio~~ after 1-6-54. It is not known whether a Forest Settlement Officer has to be appointed as laid down under section 4 of the Madras Forest Act to take necessary action as required under sections 5-16 of the Madras Forest Act or it is enough if a revised notification is published fixing the date from which the forest area would be deemed to be reserved forest. The C.C.F. may be asked to clarify the position. Subject to orders a draft memo is submitted below for approval.

23.9.55.

23/9/55

23.9

AGRI.C.IV.DEPT.

Issued as Memo.No.75166 C.IV/55, dt.23-9-55.
From the C.C.F. ref.No.17094/55-G, dt.6-10-55.
Issued as Memo.No.75166 C.IV/55-4, dt.14-10-55.
From the C.C.F. ref.No.17094/55-G, dt.10-11-55.

O.N.

The notes from p.1 ante, the memo at p.5 c.f. and the reply from the C.C.F. with enclosures at p.p.7-9 c.f. may be perused.

2. The C.C.F. has stated that section 16 notification was issued once and reissued as notification No.328 dt.17-5-54 and published on 9-6-54. He has therefore stated that the issue of a third notification in supersession of the two previous notifications, does not appear to be incorrect. He has accordingly submitted a draft notification for approval and publication in the Fort St. George Gazette. He has suggested that the date of effect from which the forest area should become a reserved forest should be fixed so as to enable the Forest Settlement Officer sufficient time to take action as required under the penultimate para of section 16 of the Madras Forest Act.

As the only work to be attented to

CMO 75166 CIV 1/55

is to publish the notification in the local gazette, and as this can be attended to either by the D.F.O. or the R.D.O., as already suggested in para 2 on p.2 ante, the C.C.F. has stated that these seems to be no need to appoint the Forest Settlement Officer, afresh.

3. The draft notification may be approved and ordered to be published in the Gazette. The date on which the notification will take effect may be filled in at the time of issue of the notification. Subject to orders, a draft order is submitted ~~below~~ below for approval.

4. Revenue may see before issue. Law may also see for scrutiny of the draft notification.

Cx

UNDER SECRETARY TO GOVERNMENT
3 DEC 1955
AGRICULTURE DEPARTMENT

105599 may be done

17.11.

18/11

22 17/11/55 ~~103459~~ 22 17.11.55

18/11 Rev Law

ni wo no T 5166 CIV 1/55-6

21/11/55

103/45-9e

22.11.55

ASSISTANT SECRETARY TO GOVERNMENT
22 NOV 1955
REVENUE DEPARTMENT

To A.S. Rev. Dept.

The notes from p/ante and the draft order below may be perused and the file passed on to Law

22/11/55 Law

Law

164592 A/3

24.11.55

Rev-U.O.NO
104592 A/55-1
25.11.55

24/11/55
25/11/55

Law Dept.

The alterations indicated in red ink on the draft notification may be made.

30.11.55

30.11.55

ASSISTANT SECRETARY
26 NOV 1955
16328
LAW DEPARTMENT, MADRAS

Agri

Agri

O 16328/55-1

2/12/55

ON

(Annexure I)

The draft order below has been perused by Revenue and Law Departments. The alterations indicated by Law may be accepted, and the draft order as modified may issue. } Vide P

3.12.55

4.12.55

PP 6.12.55

Issued as G.O Ms. No. 2823 Agn.
dt 5.12.55

Published at p. 1877 of Part I of the F.S.G.G. dt. 28th December 1955 7

769
3.1.56.

Reservation of certain area in South Kanara district under Madras Forest Act.

(G.O. Ms. No. 2823, Agriculture, 5th December 1955.)

No. 562.

In exercise of the powers conferred by section 16 of the Madras Forest Act, 1882 (Madras Act V of 1882), and in supersession of the late Development Department Notification No. 842, published at page 1308 of Part I of the *Fort St. George Gazette*, dated the 9th September 1953, and Agriculture Department Notification No. 328, published at page 740 of Part I of the *Fort St. George Gazette*, dated the 9th June 1954, the Governor of Madras hereby declares that the area, the boundaries of which are set forth in the schedule below, shall be constituted a reserved forest with effect on and from the 15th February 1956.

SCHEDULE.

South Kanara district, Puttur taluk, Golithattu village.

[Name of block—Nerankimale addition I. Extent—75 acres comprising Survey Nos. 120-1 to 4 and 6 and portions of Survey Nos. 120-5, 16 and 132 of Golithattu village.]

Boundaries—North.—Starting from Cairn No. 52 on the south boundary of Nerankimale reserved forest (constituted as reserved forest in Revenue Department Notification No. 577, dated the 18th December 1899, published at pages 1925 and 1926 of Part I of the *Fort St. George Gazette*, dated the 23rd December 1899, and as amended in the late Development Department Notification No. 93, dated 26th January 1949, published at page 125 of Part I of the *Fort St. George Gazette*, dated the 8th February 1949), the boundary of the block runs east and south-east along the notified south boundary of the said Nerankimale reserved forest to its Cairn No. 50. *East.*—Thence a straight line with a bearing of 2,060 for a distance of 532 links to the junction of S. Nos. 14, 15, 132 and 120 of Golithattu village. Thence a straight line with a bearing of 2,230 for a distance of 104 links to Cairn No. 55 on the south boundary of the said Nerankimale reserved forest. *South and west.*—Thence generally south-west, west and north along the notified south boundary of the said Nerankimale reserved forest to its Cairn No. 52, the starting point.

Admitted rights—Nil.

T. K. SANKARAVADIVELU,
Secretary to Government.

ON

Agri (Cir)

May be lodged and added to G.O.Ms.No. 2823 Agri dt. 5.12.55.

P. 15 Y. (B) to file

4/1/56.

4.1.56.

4.1.56.